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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ISRAEL PELAYO and HOPE KAMBICK,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

CONAGRA BRANDS, INC.,

Defendant.

Case No. 3:23-cv-05833-JD

**DECLARATION OF MICHAEL T.
HOUCHIN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS
THE FIRST AMENDED COMPLAINT**

Date: May 16, 2024

Time: 10:00 a.m.

Court: 11

Judge: Hon. James Donato

1 I, Michael T. Houchin, hereby declare as follows:

2 1. I am a member in good standing of the State Bar of California and the United States
3 District Court for the Northern District of California. I represent Plaintiffs Israel Pelayo and Hope
4 Kambick ("Plaintiffs") in the above-captioned action. I submit this declaration in support of
5 Plaintiffs' Opposition to Defendant's Motion to Dismiss the First Amended Complaint. I make
6 this Declaration based on my personal knowledge, and if called to testify, I could and would
7 competently testify to the matters contained herein.

8 2. Attached hereto as **Exhibit 1** is a true and correct copy of a journal article titled
9 *Potential role of the common food additive manufactured citric acid in eliciting significant*
10 *inflammatory reactions contributing to serious disease states: A series of four case reports* that
11 was published in the TOXICOLOGY REPORTS JOURNAL on August 9, 2018. This journal article is
12 referenced in Plaintiffs' First Amended Complaint at paragraph 15, footnote 3 and is available at
13 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6097542/> Highlighting has been added for
14 emphasis.

15 3. Attached hereto as **Exhibit 2** is a true and correct copy of a Food and Drug
16 Administration ("FDA") warning letter that was sent to Hirzel Canning Company on August 29,
17 2001. I obtained this FDA warning letter from PACER where it was filed on the docket in the
18 matter of *Mason v. Reed's, Inc.*, Case No. 1:18-cv-10826-JGK (S.D.N.Y. 2021) at ECF Number
19 35-4.

20 4. Attached hereto as **Exhibit 3** is a true and correct copy of a FDA warning letter that
21 was sent to Oak Tree Farm Dairy, Inc. on August 16, 2001. I obtained this FDA warning letter
22 from PACER where it was filed on the docket in the matter of *Mason v. Reed's, Inc.*, Case No.
23 1:18-cv-10826-JGK (S.D.N.Y. 2021) at ECF Number 35-5.

24 I declare under penalty of perjury of the laws of the United States that the foregoing is true
25 and correct.

26 Executed on this 26th day of February 2024 at San Diego, California.

27 /s/ Michael T. Houchin
28 Michael T. Houchin